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William D. Swart

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/920,615
Filing Date: August 03, 2001
Appellant(s): SWART ET AL.

Eamon J. Wall
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 20 August 2008 appealing from the Office action mailed 20 December 2007.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

It is noted that a change in the assignee was recorded on 24 September 2008, after the submission of the Appeal Brief. The assignee is now Comcast IP Holdings I, LLC.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Application No. 09/921057 assigned to Comcast IP Holdings I, LLC and having the same inventors as the instant application. An Appeal Brief was filed 28 June 2007, and an Examiner's Answer to the Appeal Brief was mailed 27 September 2007.

Application No. 09/973067 assigned to Comcast IP Holdings I, LLC and having the same inventors as the instant application. An Appeal Brief was filed on 2 September 2008, and an Examiner's Answer to the Appeal Brief was mailed 24 October 2008.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The amendment after final rejection filed on 16 February 2008 has been entered.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,547,829	Meyerzon et al.
2002/0099697 A1	Jensen-Grey
2001/0037494	Johansson
2002/0032740 A1	Stern et al.
2002/00106802 A1	Johnson
6,751,612 B1	Schuetze et al.

Appellant's admitted prior art, Examiner took Official Notice in the Office Action dated 11 September 2006 in the response to this action filed on 11 December 2006, the appellant did not traverse the Examiner's taking of Official Notice.

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 4-8, 30-32, 35, 38-40, and 45-51 rejected under 35 U.S.C. 103(a) as being unpatentable over Meyerzon et al. (U.S. patent No. 6,547,829 B1) in view of Jensen-Grey (U.S. patent application publication No. 2002/0099697 A1) in further view of Johansson (U.S. patent application publication No. 2001/0037494).

As to claim 1, Meyerzon et al. teaches a remote content crawler for use in a content search, packaging, and delivery system, comprising:

- a remote content crawler processor that controls the remote content crawler (see column 4, lines 20-25);

- a network resource processor that acquires data related to resources coupled to one or more communications networks (see column 4, lines 25-42);

- a crawling criteria processor that acquires crawling criteria (see column 4, lines 43-47);

- a crawler content provider processor that receives, processes and stores content provider listings (see column 4, 47-60); and

- a network crawler, wherein the network crawler crawls content providers to acquire data related to available content (see column 4, line 61 through column 5, line 22) in accordance with the crawling criteria (see column 4, lines 52-55 and see column 2, lines 17-24).

Meyerzon et al. does not distinctly disclose said crawling criteria having a plurality of conditions; and a crawling criteria checker that determines if the acquired data meets said plurality of conditions.

Jensen-Grey teaches this, see paragraphs 0036-0038. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. to include the teachings of Jensen-Grey because these teachings would make it so that only data that is related to the request at hand is retrieved (media files).

Meyerzon et al. still does not distinctly disclose such that a subscriber obtains desired content via tuning a set top terminal to a television channel carrying said desired content. Although this limitation is recited optionally the examiner is giving it weight in the rejection because it is believed the applicant meant to do so.

Johansson teaches this, see paragraphs 0019-0020 and 00023-0024. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. as modified to include the teachings of Johansson because these teachings would allow a user to browse schedule information for various video sources coming from various content providers.

As to claim 4, Meyerzon et al. teaches an apparatus for searching one or more communications networks, accessing content available on the one or more communications networks, and acquiring access to the content (see column 4, line 20 through column 5, line 22), comprising:

one or more processors, wherein the one or more processors receive information related to the content (see column 4, lines 20-42 and see Figure 2, reference number 100); and

a network crawler coupled to the one or more processors, wherein the network crawler accesses the one or more communications networks to locate available content (see column 4, line 20 through column 5, line 22 and see Figure 2, reference numbers 100, 150, and 150) in accordance with the crawling criteria (see column 4, lines 52-55 and see column 2, lines 17-24).

Meyerzon et al. does not distinctly disclose said crawling criteria having a plurality of conditions; and a crawling criteria checker that determines if the acquired data meets said plurality of conditions.

Jensen-Grey teaches this, see paragraphs 0036-0038. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. to include the teachings of Jensen-Grey because these teachings would make it so that only data that is related to the request at hand is retrieved (media files).

Myerzon et al. as modified, still does not distinctly disclose a crawler content provider processor that receives, processes and stores content provider listings such that a subscriber obtains desired content via tuning a set top terminal to a television channel carrying said desired content. Although this limitation is recited optionally the examiner is giving it weight in the rejection because it is believed the applicant meant to do so.

Johansson teaches this, see paragraphs 0019-0020 and 00023-0024. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. as modified to include the teachings of Johansson because these

teachings would allow a user to browse schedule information for various video sources coming from various content providers.

As to claim 5, Meyerzon et al. as modified, teaches wherein the network crawler comprises one or more crawling servers, wherein each of the one or more crawling servers searches the one or more communications networks according to a specific crawling criteria (see Meyerzon et al., column 4, lines 43-47).

As to claim 6, Meyerzon et al. as modified, teaches wherein the network crawler is a World Wide Web robot (see column 2, lines 3-16), wherein the network crawler traverses a hypertext structure of the network and retrieves the content and recursively retrieves additional content referenced in the retrieved content (see Meyerzon et al., column 4, lines 47-50).

As to claim 7, Meyerzon et al. as modified, teaches wherein the one or more processors, comprises:

a crawler processor coupled to the network crawler, wherein the crawler processor receives crawling schedule information and content search criteria (see Meyerzon et al., column 4, lines 20-25);

a network resource processor coupled to the network crawler, wherein the network resource processor aggregates resource addresses of resources coupled to the one or more communications networks (see Meyerzon et al., column 4, lines 25-42);

a crawling criteria processor that compiles data related to searches to be conducted by the network crawler and generates specific crawling criteria (see Meyerzon et al., column 4, lines 43-47); and

a crawler content provider processor coupled to the network crawler that identifies, tracks, indexes and ranks providers of the content, and generates content provider data, wherein the network crawler receives the content provider data, the specific crawling criteria and the resource addresses and crawls the network based on the received content provider data, the specific crawling criteria, and the resource addresses (see Meyerzon et al., column 4, line 61 through column 5, line 22).

As to claim 8, Meyerzon et al. as modified, teaches further comprising a content crawler results processor that receives content data from the network crawler, and that processes the content data and routes sorted and formatted crawling results for storage (see Meyerzon et al., column 9, lines 33-50).

As to claim 30, Meyerzon et al. teaches a method for finding digital content in a communications network, comprising:

acquiring network resource data, wherein the network resource data comprises address data for content servers coupled to the one or more communications networks (see column 4, lines 20-42);

acquiring crawling criteria, wherein crawling criteria are used during a crawling operation to search for the digital content (see column 4, lines 43-47);

acquiring content provider data, wherein content provider data includes digital content provider-related data (see column 4, lines 47-60); and

crawling network resources in the one or more communications networks (see column 4, line 61 through column 5, line 22) in accordance with the crawling criteria (see column 4, lines 52-55 and see column 2, lines 17-24).

Meyerzon et al. does not distinctly disclose said crawling criteria has a plurality of conditions; and determining, via a crawling criteria checker, if the acquired data meets said plurality of conditions.

Jensen-Grey teaches this, see paragraphs 0036-0038. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. to include the teachings of Jensen-Grey because these teachings would make it so that only data that is related to the request at hand is retrieved (media files).

Meyerzon et al. as modified, still does not distinctly disclose providing at least one of said content provider data to a set top terminal of a subscriber via a television channel.

Johansson teaches this, see paragraphs 0019-0020 and 00023-0024. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. as modified to include the teachings of Johansson because these teachings would allow a user to browse schedule information for various video sources coming from various content providers.

As to claim 31, Meyerzon et al. as modified, teaches further comprising storing the network resource data, the crawling criteria, and the content provider data in one or more databases (see Meyerzon et al., column 4, line 20 through column 5, line 22).

As to claim 32, Meyerzon et al. as modified, teaches wherein acquiring network resource data comprises indexing the address data according to one or more address types (see Meyerzon et al., column 9, lines 33-57).

As to claim 35, Meyerzon et al. as modified, teaches further comprising updating the address data (see Meyerzon et al., column 4, lines 43-50).

As to claim 38, Meyerzon et al. as modified, teaches wherein the crawling criteria, comprises: terms, phrases and keywords; data type descriptions; metadata field names; and metadata type descriptors, wherein the metadata type descriptors are associated with eligible content as one or more of hypertext descriptions and embedded file and data stream attributes and metadata (see Jensen-Grey, paragraphs 0035-0045).

. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. by the teachings of Jensen-Grey because these teachings would all the appropriate content to be found based on the user's search.

As to claim 39, Meyerzon et al. as modified, teaches wherein acquiring the crawling criteria comprises automatically acquiring the crawling criteria (see Jensen-Grey, paragraphs 0035-0037).

As to claim 40, Meyerzon et al. as modified, teaches wherein automatically acquiring the crawling criteria, comprises:

analyzing and importing metadata schemes for standardized and proprietary content formats (see Jensen-Grey, paragraph 0040);

parsing metadata field names and descriptive terms (see Jensen-Grey, paragraphs 0043-0045);

analyzing hypertext associated with desired hyperlinks (see Jensen-Grey, paragraph 0038);

analyzing text proximate to the desired hyperlinks, wherein analyzing hypertext identifies terms that relate to a data type or content category (see Jensen-Grey, paragraph 0039).

As to claim 45, Meyerzon et al. as modified, teaches wherein crawling the network resources comprises crawling with one or more crawling servers (see Meyerzon et al., column 4, line 20 through column 5, line 22).

As to claim 46, Meyerzon et al. as modified, teaches further comprising subdividing the network resources (see Meyerzon et al., column 4, line 61 through column 5, line 22);

assigning the subdivided network resources to the one or more crawling servers (see Meyerzon et al., column 4, line 61 through column 5, line 22); and

at a crawler server: reading data from the assigned network resources, communicating with the assigned network resources, downloading data from the assigned network resources (see Meyerzon et al., column 7, lines 31-52 and see column 8, lines 1-11).

As to claim 47, Meyerzon et al. as modified, teaches further comprising:

comparing digital content from one or more of the assigned network resources to the crawling criteria (see Meyerzon et al., column 4, line 61 through column 5, line 22); and

acquiring data related to content that satisfies the crawling criteria (see Meyerzon et al., column 5, lines 4-13).

As to claim 48, Meyerzon et al. as modified, teaches further comprising:

following links from a first network resource to subsequent network resources, wherein following the links comprises: analyzing hypertext structure of the first network resource to determine if the links have been crawled, determining if a network resource has been downloaded or updated since a previous crawl of the network resource, and analyzing the hypertext structure to determine if the link points to a network resource comprising a web page or other hypertext file (see Meyerzon et al., column 4, line 43 through column 5, line 22).

As to claim 49, Meyerzon et al. as modified, teaches further comprising:

caching hypertext files containing the data related to the content (see Meyerzon et al., column 9, lines 41-50);

 caching the links from the first network resource to subsequent network resources (see Meyerzon et al., column 4, lines 43-60); and

 indexing web pages or other hypertext files of interest (see Meyerzon et al., column 9, lines 41-50).

As to claim 50, Meyerzon et al. as modified, teaches wherein comparing the content to the crawling criteria comprises using a comparison algorithm that compares elements in a hypertext file to the crawling criteria (see Meyerzon et al., column 9, lines 30-40).

As to claim 51, Meyerzon et al. as modified, teaches further comprising: acquiring and processing metadata related to a network resource (see Meyerzon et al., column 9, lines 33-50); and processing content results from the crawled network resources (see Meyerzon et al., column 9, lines 41-50).

Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyerzon et al. in view of Jensen-Grey in further view of Johansson as applied to claims 1, 4-8, 30-32, 35, 38-40, and 45-51 above, in further view of Stern et al. (U.S. patent application publication No. 2002/0032740 A1).

As to claim 2, Meyerzon et al. teaches further comprising:

 a content crawler results processor (see column 4, lines 43-60);

a metadata acquisition processor (see column 4, lines 43-60); and
one or more databases, the one or more databases storing information and data generated in and received by the remote content crawler (see figure 2, reference number 400).

Meyerzon et al. does not distinctly disclose a plurality of crawling servers coupled to the network crawler.

Stern et al. teaches this, see paragraphs 0062-0067. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. by the teachings of Stern et al. because these teachings would allow more pages to be crawled at a faster pace.

As to claim 3, Meyerzon et al. teaches wherein the one or more databases, comprises:
a content provider listing database (see column 4, lines 43-65); and
a network resources database (see column 4, lines 61-65).

Meyerzon et al. does not distinctly disclose a crawling criteria database.

Stern et al. teaches this, see paragraphs 0119-00132. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. by the teachings of Stern et al. because these teachings would allow specific criteria to be extracted from the crawled documents.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Meyerzon et al. in view of Jensen-Grey in further view of Johansson as applied to claims 1, 4-8, 30-32, 35, 38-40, and 45-51 above, and in further view of the applicant's admitted prior art.

As to claim 33, Meyerzon et al. teaches wherein the address types include top-level domain and subdomain names, Universal Resource Identifiers, and Universal Resource Locators (URLs), (see column 4, lines 23-29).

Meyerzon et al. does not distinctly disclose wherein the address types include Internet Protocol (IP) address numbers.

The applicant has admitted that it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. to include the address type including Internet Protocol (IP) address numbers because IP address numbers are the most common way of identifying computers on the Internet or any IP based network.

Claims 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyerzon et al. in view of Jensen-Grey in further view of Johansson as applied to claims 1, 4-8, 30-32, 35, 38-40, and 45-51 above, and in further view of Johnson (U.S. patent application publication No. 2002/0010682 A1).

As to claim 36, Meyerzon et al. teaches wherein updating the address data, comprises: receiving hyperlinked domain names for the network resources (see column 4, lines 43-50).

Meyerzon et al. does not distinctly disclose: downloading domain name records from public and private domain name registration sources; synchronizing local Domain Name Service (DNS) databases with one or more DNS databases over the one or more communications networks; performing reverse domain name resolution, comprising locating URLs associated

with allowable IP address numbers; verifying DNS aliases and duplicate URLs against IP addresses; and eliminating any duplicate URLs identified by the verifying step.

Johnson teaches this, see paragraphs 0058-0067. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. by the teachings of Johnson because these teaching would give a large database of pages to seed the crawler.

As to claim 37, Meyerzon et al. does not distinctly disclose wherein the network resource data comprises: URL owner identity; URL owner contact information; available content types; expiration time of the domain name; and subdomain names to be excluded during crawling.

Johnson teaches this, see paragraph 0059. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. by the teachings of Johnson because these teachings would enable the owner of crawled pages to be readably available.

Claims 41-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Meyerzon et al. in view of Jensen-Grey in further view of Johansson as applied to claims 1, 4-8, 30-32, 35, 38-40, and 45-51 above, and in further view of Schuetze et al. (U.S. patent No. 6,751,612 B1).

As to claim 41, Meyerzon et al. does not distinctly disclose wherein acquiring the crawling criteria comprises acquiring the crawling criteria through manual input.

Schuetze et al. teaches this, see column 6, line 31 through column 7, line 11. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was

made to have modified Meyerzon et al. by the teachings of Schuetze et al. because these teachings would allow the user to select the criteria used in crawling servers.

As to claim 42, Meyerzon et al. does not distinctly disclose wherein acquiring the content provider data comprises ranking content providers.

Schuetze et al. teaches this, see column 1, line 65 through column 2, line 17. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified Meyerzon et al. to include the teachings of Schuetze et al. because these teachings would provide relevant and current information to users that are searching for information.

As to claim 43, Meyerzon et al. as modified, teaches wherein a ranking of a content provider is based on one or more of quantity of available content, provider professional association membership, amount of content requested and downloaded by users of the communications network, and content provider ratings, wherein the content provider ratings are provided by the users of the communications network (see Schuetze et al. column 1, line 65 through column 2, line 17).

As to claim 44, Meyerzon et al. as modified, teaches further comprising determining a frequency of crawling a content provider based on the ranking of the content provider (see Schuetze et al. column 1, line 65 through column 2, line 17).

(10) Response to Argument

A. 35 U.S.C §103(a) Rejection of Claims 1, 4-8, 30-32, 35, 38-40, and 45-51

In response to the appellant's arguments that the combination of references fails to teach the limitation of "providing or obtaining desired content via tuning a set top terminal to a television channel carrying said desired content", the arguments have been considered, but are not deemed persuasive.

It is first noted that the appellant has chosen to argue the claims as a group. 37 C.F.R. § 41.37 states:

When multiple claims subject to the same ground of rejection are argued as a group by appellant, the Board may select a single claim from the group of claims that are argued together to decide the appeal with respect to the group of claims as to the ground of rejection on the basis of the selected claim alone. Notwithstanding any other provision of this paragraph, the failure of appellant to separately argue claims which appellant has grouped together shall constitute a waiver of any argument that the Board must consider the patentability of any grouped claim separately. Any claim argued separately should be placed under a subheading identifying the claim by number.

The limitation which this argument is directed to in independent claims 1 and 4 is as follows: "a crawler content provider processor that receives, processes and stores content provider listings such that a subscriber obtains desired content via tuning a set top terminal to a television channel carrying said desired content". MPEP §2106 states: "Language that suggests or makes optional but does not require steps to be performed does not limit a claim to a particular structure does not limit the scope of a claim or claim limitation" (emphasis original).

The applicant's claims 1 and 4 are directed to a machine or manufacture, therefore only elements which are a part of that machine or manufacture should further limit these claims. Claims 1 and 4 do not require the structure of "a remote content crawler" or "an apparatus"

include a subscriber or a set top terminal. These claims are only limited to a structure in which a crawler content provider processor that receives, processes and stores content provider listings in a manner so that desired content can be obtained via tuning a set top terminal to a television channel carrying said desired content. If the desired content is accessible using one device as is the case with Meyerzon et al. (see column 7, 54-64), it is assumed that a modified set top terminal could be used to access that content. However, since the modified structure of the set top terminal is not a part of the remote content crawler, this part of the limitation is not further limiting. The applicant's specification provides that the set top terminal is in fact capable of accessing a user's home network in order to gain access to content similar to the way a client would access content in Meyerzon et al. "Figure 2 also shows a communications path from one or more remote content servers 204 through the wide area network/Internet 205 directly to the set top terminal 206, which bypasses the aggregator 201 and the cable television system head end 210." See instant application page 6, line 30 through page 7, line 2. Therefore, it is put forth that the applicant's arguments directed to claims 1 and 4 are not directed to the structure of the applicants claimed "remote content crawler" or "apparatus" but rather to the structure of the set top terminal which is not a part of the machine or manufacture of the claimed invention.

It is next noted that all of the independent claims appear to have a disconnect between the crawler storing provider listings and the set top terminal tuning to a television channel carrying the desired content. There is a question as to why the set top terminal tunes to the television channel carrying the desired content and what that has to do with the content crawler. Was the terminal already tuned to this channel and it is a special channel used to provide the subscriber

with content? Did the subscriber select the content from a listing and then get directed to the channel? Did the subscriber use a normal computer to browse the listings and then turn to the appropriate channel on the set top terminal? Is the set top terminal tuned to a channel that is connected to a computer so that the set top terminal can be used as a monitor?

The disconnect that exists raises the question as to if the set top box needs to have and connection or relation to the content crawler at all. If the desired content is available both as a video that can accessed via the internet and crawled by the crawler and is also happens to be broadcasted and received by the set top box, this would read on obtaining of the desired content via a set top box, even though, there is no connection between the listings and the set top terminal. Nothing in the claim indicates why a subscriber is tuning a set top terminal to a particular television channel or how the subscriber knows that that channel is carrying the desired content.

For the above reasons, even without the application of the Johansson reference, the claim appears to be obvious over the other applied art. With the application of Johansson, the claims become even more obvious to one having ordinary skill in the art.

Johansson does in fact teach “a crawler content provider processor that receives, processes and stores content provider listings such that a subscriber obtains desired content via tuning a set top terminal to a television channel carrying said desired content”. The system is “used to provide information on how to tune to services and to display the information”, see paragraph 0019. A service information server stores information in a database and provides that

information to the STBs, see paragraph 0022. The server includes an information collection software application which gathers information regarding the different services provided on the different networks, see paragraph 0023-0024. Therefore, it is clear that the service information server provider “receives, processes, and stores content provider listings. Paragraph 0018 states “when the term client terminal or simply terminal is used in this document, it is to be interpreted as all kinds of user terminals capable of communicating the relevant kind of information, such as Set Top Boxes (STBs) or personal computer equipped with Digital Television (DTV) receiver cards.” It is clear that a terminal is at least in one embodiment a Set Top (Terminal) Box and from paragraph 0020 it is clear this STB is receiving information from digital channels on satellite, cable, or terrestrial networks. Paragraphs 0027-0032 discuss different methods of forwarding the information about programs from the server to the STBs. The STB receive the desired information, and then can tune into a particular channel based on that information to view desired content. Therefore, this limitation is taught by the Johansson reference contrary to the Appellant’s arguments.

The applicant states “no data is transmitted to the user’s terminal via tuning a set top terminal to a television channel carrying said desired content”. This is incorrect. The information being transmitted by the SI server is information about the desired content. Using this information the client then tunes the STB to the desired channel so that a desired program (content) can be viewed (see paragraph 0004). Therefore the data that is transmitted to the user’s terminal via tuning a set top terminal to a television channel is the desired content or television program. That is, while the listings are provided by another channel such as the internet, the actual desired content is being provided by satellite, cable, or terrestrial television channels.

The applicant on page 13 second paragraph from the top appears to be proposing that the information provided by the SI server is information on how to tune a STB to a particular channel on a particular network (i.e., how to decode and what frequencies are involved in tuning). However, while this information may be provided, the SI server is also providing information about the content that can be viewed which is collected from newspapers, TV magazines, TV guides on the Internet (see paragraph 0024) and displayed to the subscriber so that desired content can be chosen and then tuned to.

Therefore, it is believed that Johansson clearly discloses the claimed limitation and makes the rejected claims clearly in view of the cited prior art.

B. 35 U.S.C §103(a) Rejection of Claims 2-3

The applicant's arguments in this section of the brief raise no new arguments with respect to the cited prior art.

C. 35 U.S.C §103(a) Rejection of Claim 33

The applicant's arguments in this section of the brief raise no new arguments with respect to the cited prior art.

D. 35 U.S.C §103(a) Rejection of Claims 36-37

The applicant's arguments in this section of the brief raise no new arguments with respect to the cited prior art.

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E. 35 U.S.C §103(a) Rejection of Claims 41-44

The applicant's arguments in this section of the brief raise no new arguments with respect to the cited prior art.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jacob F Bétit/
Examiner, Art Unit 2169

Conferees:

/Vincent F. Boccio/

Primary Examiner, Art Unit 2169

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Supervisory Patent Examiner, Art Unit 2169